

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

AGERE SYSTEMS, INC., CYTEC  
INDUSTRIES INC., FORD MOTOR  
COMPANY, SPS TECHNOLOGIES, LLC  
and TI GROUP AUTOMOTIVE SYSTEMS  
LLC,

Plaintiffs,

v.

ADVANCED ENVIRONMENTAL  
TECHNOLOGY CORPORATION, et al.,

Defendants.

Civil Action No. 02-3830 (LDD)

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**CIV. R. 56.1 STATEMENT IN SUPPORT OF SUMMARY JUDGMENT MOTION OF  
DEFENDANT ADVANCED ENVIRONMENTAL TECHNOLOGY CORPORATION**

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By: 

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Dated: August 9, 2006

Pursuant to Fed.R.Civ.P. 56.1, this Statement of Material Facts is submitted on behalf of Defendant Advanced Environmental Technology Corporation (“AETC”) in support of AETC’s motion for summary judgment.

1. AETC operated as a hazardous waste management company in the 1970s and brokered the removal and disposal of wastes for AETC’s customers. (¶2 of Exhibit 1 to Declaration of Thomas Sabino.)<sup>1</sup> AETC was formed in 1976 by Robert Landmesser and John Leuzarder. (Exhibit 1, ¶1; Exhibit 3 at pp. 14-15.) For the first year and a half of its existence, AETC conducted its business operations in John Leuzarder’s garage. (Exhibit 3 at p. 18.) While working in Mr. Leuzarder’s garage, AETC had three employees: Mr. Landmesser, Mr. Leuzarder and a secretary. (Exhibit 3 at p. 16-18.)

2. During 1976-77, AETC acted as a broker between DeRewal Chemical Company and defendants Ashland Chemical Company (“Ashland”) and Diaz Chemical Company (“Diaz”) regarding the removal and disposal of those defendants’ waste. (Exhibit 1, ¶2; Exhibit 3 at p.125.) Bills of lading referencing an ongoing business relationship between AETC, Ashland Chemical and DeRewal Chemical affiliate Environmental Chemical Control are dated from August 9, 1976 to April 5, 1977. (Exhibit 12.) Bills of lading referencing an ongoing business relationship between AETC, Diaz Chemical and Environmental Chemical Control are dated from January 6, 1977 to April 14, 1977. (Exhibit 11.)

3. At his deposition in the above-captioned matter, former Assistant District Attorney General David Michelman characterized Environmental Chemical Control as “a

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<sup>1</sup> All references herein to any “Exhibit” shall be those attached to the Declaration of AETC’s trial counsel Thomas Sabino, Esq. submitted in support of AETC’s summary judgment motion.

corporation which [Manfred] DeRewal used as a front for his operations.” (Exhibit 5 at pp. 15-16.)

4. AETC never transported any waste materials from Ashland or Diaz to the Boarhead Farms Superfund site. (Exhibit 1, ¶2; Exhibit 2, Interrogatory Answer no. 5.) AETC never had control or possession of the liquid wastes that DeRewal Chemical/Environmental Chemical Control collected from Ashland or Diaz. (Exhibit 1, ¶2; Exhibit 3 at p. 217.)

5. AETC did not own any of the waste materials generated by Ashland and Diaz. (Exhibit 10 at pp. 24-25; Exhibit 9 at p. 149; Exhibit 3 at p. 62.)

6. AETC acted with the understanding that DeRewal Chemical/Environmental Chemical Control was transporting the Ashland and Diaz wastes to the neutralization facility at the Wissinoming Industrial Park in Philadelphia. (Exhibit 1, ¶2; Exhibit 3 at p.73.)

7. AETC was not aware that any of the Ashland and Diaz wastes were sent to the Boarhead Farms Superfund site. (Exhibit 1, ¶2; Exhibit 3 at p. 73.) AETC did not become aware of the dumping of wastes at the Boarhead Farms Superfund site until after it has ceased doing business with DeRewal Chemical. (Exhibit 1, ¶4.)

**CERTIFICATE OF SERVICE**

I, Thomas Sabino, certify that on August 9, 2006, I caused a true and correct copy of the foregoing Rule 56.1 Statement to be sent First Class Mail to each of the following:

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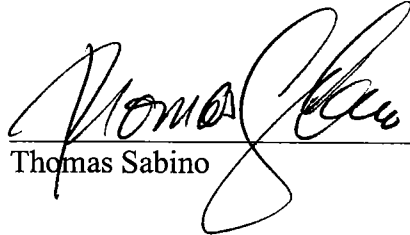
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